IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 2447 of 2001 (M/S)

Kanchan Singh,
S/o Shri Ram Chandra Singh,
Village Thothoo pura
P.O. Bhajuwa nagla,
Tehsil - Bajpur,
District Udham Singh Nagar.

..……Petitioner

Versus

1. District Magistrate,
Udham Singh Nagar.

2. Tehsildar,
Bajpur, Distt. Udham Singh Nagar.

3. Punjab National Bank,
Beria Danlat, Bajpur
Distt. Udham Singh Nagar.

…… **Respondents**

Ms. Seema Sirohi, learned counsel for the petitioner.
Mr. B.D. Kandpal, learned Standing Counsel for State.
Mr. L.K. Tiwari, learned counsel for respondent No.3.

Hon'ble Prafulla C. Pant, J.

Today this petition is listed for orders on the application for vacation of stay order.

2) I heard Ms. Seema Sirohi, learned counsel for the petitioner and Mr. L.K. Tiwari, learned counsel for the respondent No. 3 and perused the affidavit and the counter affidavit filed by the parties.

3) The citation in question shows that a recovery of Rs. 1,26,874/- alongwith the interest and expenses thereon is pending against the petitioner. Learned counsel for the petitioner submitted that financial condition of petitioner is bad and he is agreed that the writ petition be disposed of by

permitting the petitioner to deposit the amount in question in four equal instalments. Learned counsel for the respondent No. 3 states that the contesting respondent Bank has no objection if instalments are fixed and the entire amount is paid by 31st December, 2005.

4) In view of the statement of the learned counsel for the parties, the writ petition is finally disposed of with the direction that the petitioner is allowed to make payment of the amount mentioned in the citation (Annexure -3 to the writ petition) in four equal instalments within one year. The first instalment shall be paid by 31st January, 2005. The second by 30th April, 2005. The third and fourth instalments shall be paid by 30th July, 2005 and 31st October, 2005 respectively. If the payment is made as directed by this Court, no coercive measures shall be used against the petitioner for realization of the amount as mentioned in the citation. In case of default of any of the instalments, the entire amount shall be recoverable at once as per the procedure and law applicable for recovery proceedings, by the revenue authorities. Writ petition stands disposed of. No order as to costs.

(Prafulla C. Pant, J.)

Dt. 18.12.2004
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